



30 Bank Street
New Britain, CT
06050-0350

Testimony of Barry C Hawkins
on behalf of Connecticut Bar Association and Uniform Law Commission
in support of RAISED BILL No. 5237

Members of the Joint Judiciary Committee:

I am a resident of Bridgeport Connecticut and practice law as Of Counsel with the firm of Shipman & Goodwin LLP in its Stamford Office . I have been a member of the Connecticut Bar for more than fifty four years and served as President of the Connecticut Bar Association from 2012-2013. I am also speaking on behalf of the Uniform Law Commission to which I was appointed by the Governor and have been continuously reappointed since 1998. I am the Connecticut legislative liaison for the ULC .

As most of you know Raised Bill no. 5837 is largely based upon The Uniform Interstate Depositions and Discovery Act of 2007 , which since it's adoption has been enacted in 45 states, the District of Columbia and the United States Virgin Islands .

In my opinion the supporting testimony from the Litigation Section of the Connecticut Bar Association and the Connecticut Trial Lawyers Association more than adequately detail the reasons why the enactment of raised bill 5237 would benefit all civil litigation lawyers in this state and their clients as well as improve the conduct of civil litigation in Connecticut.

Rather than merely restate their thoughtful testimony I would like to briefly comment on the process of turning a Uniform Act so widely adopted throughout the United States into an Act carefully modified to better reflect the needs of Connecticut lawyers and clients as well as our judicial system .

The uniform act was unanimously adopted by the ULC fifteen years ago following a three year long deliberative process by the ULC . Although it was first introduced in the 2013 General Assembly it was not then enacted despite the positive reception it received in most jurisdictions before and after 2013 .

The introduction in this session, the first since 2013 represents a collaborative effort by both the Litigation Section of the CBA and the totally separate and independent Connecticut Trial Lawyers Association. Also unlike 2013 This collaborative effort was preceded by input from members of the Connecticut ULC delegation and , more importantly , by a full vetting of the proposed Act by the Connecticut Judicial Branch .

In every way possible , beginning with an agreement to seek a delayed effective date to give the Branch time to seek conforming changes to the Court Rules and procedures , the Raised Bill before you represents the product of changing a National uniform act into one which reflects the Connecticut specific provisions to reflect the needs of the Connecticut lawyers who will use this Act and the Judicial Branch which will administer and supervise its use in civil litigation .

Even with these modifications that meet the unique needs of Connecticut I can report to you that this Raised Act no 5237 is considered by the ULC to be substantially uniform .

Connecticut, still the land of steady habits , now 15 years after its initial adoption by the ULC and nine years after its first introduction in this state is able to enact legislation which will be both modern and substantially uniform with the laws mostly prevailing in the United States. Even better it can do so with the support of its lawyers and their clients and from the judicial system in which they conduct their Civil litigation . Thank you . I would be glad to answer any questions you may have . “